



Rec/1732

**REQUEST FOR  
CONTINUED EXAMINATION (RCE)  
TRANSMITTAL**

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000 provides for continued examination of a utility or plant application filed on or after June 8, 1995.

See The American Inventors Protection Act of 1999 (AIPA)

Application Number: 09/214,631

Filing Date: April 7, 1999

First Named Inventor: John EBY et al.

Group Art Unit: 1732

Examiner: Allan R. Kuhns

Attorney Docket Number: 03063.0396-02

Attorney Customer Number: 22,852

# 46  
N.C.H.  
8-15-02

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

**Note:** 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53(d) instead of a RCE to be eligible for patent term adjustment provisions of the AIPA. See "Changes to Application Examination and Provisional Application Practice," Interim Rule, 65 Fed. Reg. 14865 (March 20, 2000). Off. Gaz. Pat. Office 47 (April 11, 2000), which established RCE practice.

**1. Submission required under 37 C.F.R. § 1.114:**

a. ☐ Previously submitted

- i. ☐ Consider the amendment(s)/reply after final under 37 C.F.R. § 1.116 previously filed on \_\_\_\_\_.
- ii. ☐ Consider the arguments in the Appeal Brief of Reply Brief previously filed on \_\_\_\_\_.
- iii. ☐ Other \_\_\_\_\_

b. ☒ Enclosed:

- i. ☒ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☒ Information Disclosure Statement
- iv. ☐ Other \_\_\_\_\_

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02 FC:103

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**2. Miscellaneous**

- a. ☐ Suspension of action on the above-mentioned application is requested under 37 C.F.R. § 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; fee under 37 C.F.R. § 1.17(i) required.)
- b. ☐ Other \_\_\_\_\_

**3. Fees**

a. ☒ The filing fee is calculated as follows:

- i. ☒ \$740.00 RCE fee required under 37 C.F.R. § 1.17(e)
- ii. ☐ Petition for extension of time for (\_\_\_\_\_) Months \$ \_\_\_\_\_
- iii. ☒ Other excess claim fee (\$36.00)

b. ☒ Check in the amount of \$776.00 enclosed.

c. ☒ The Commissioner is authorized to charge any deficiencies in the filing fees, or credit any overpayments to Deposit Account No. 06-0916.

**Signature of Applicant, Attorney, or Agent Required**

Name: Louis M. Troilo

Reg. No.: 45,284

Signature: *Stephen L. Palatka* # 26,325

Date: August 7, 2002

**Certificate of Mailing or Transmission**

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PATENT  
Attorney Docket No. 3063.0396-02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )

John E. EBY et al. )

Serial No.: 09/287,631 )

Filed: April 7, 1999 )

For: SURFACE COVERINGS HAVING )  
A NATURAL APPEARANCE AND )  
METHODS TO MAKE A SURFACE )  
COVERING HAVING A NATURAL )  
APPEARANCE )

Group Art Unit: 1732

Examiner: A. Kuhns

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

**SUBMISSION UNDER 37 C.F.R. §1.114**

In response to the final Office Action dated June 20, 2002, and to have the following amendments entered, as well as the attached Information Disclosure Statement considered by the Examiner, Applicants file concurrently herewith a Request for Continued Examination under 37 C.F.R. §1.114. Applicants respectfully request reconsideration and continued examination of this application in view of the following remarks.

**IN THE CLAIMS:**

Please replace pending claim 54 with amended claim 54, as follows:

54. (Amended) A method of making a surface covering comprising:

# 48/P20-I  
N.L.H.  
8-15-02

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